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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/663,094

09/15/2000

Eric Schneider

3485

24226

7590

11/24/2004

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EXAMINER

BRUCKART, BENJAMIN R

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/663,094

Applicant(s)

SCHNEIDER, ERIC

Examiner

Benjamin R Bruckart

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 54-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 54-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) *
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Detailed Action

Status of Claims:

Claims 54-62 are pending in this Office Action.

Specification

The disclosure is objected to because of the following informalities:

On page 1, under the title "Other Applications," the patent applicant should claim priority of the provision application 60/154,411 filed 9/17/1999. All other data may be mentioned and incorporated by reference as co-pending or prior art.

It is improper to claim priority from a provisional application to a case (i.e. 60/154,411 claiming priority of U.S. Patent 5,987,464).

Appropriate correction is required.

Response to Arguments

Applicant's arguments filed in the amendment filed 8/26/2004 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's invention as claimed:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 54-62 are rejected under 102(e) as being anticipated by U.S. Patent No. 6,654,746 by Wong et al.

Regarding claim 54, a notification method (Wong: col. 3, lines 44-49) comprising:

receiving a request to provide notification when a new file is published to a file directory including one or more files having a filename, file date, and file time (Wong: col. 3, lines 40-44; col. 7, lines 1-4);

determining at least one of a start time, end time, polling interval, publishing interval, volume number, and issue number from at least one of a filename, file date, and file time of said one or more files in said file directory (Wong: col. 4, lines 1-20);

determining when and how often to monitor whether said new file can be found in said file directory from said at least one of a start time, end time, polling interval, publishing interval, volume number, and issue number (Wong: col. 4, lines 1-20); and,

providing said notification when it is determined that said new file can be found in said file directory (Wong: col. 3, lines 44-49; col. 7, lines 1-4).

Regarding claim 55, the method, as set forth in claim 54, wherein said determining when and how often to monitor whether said new file can be found in said file directory includes performing a resource access request from a Uniform Resource Locator (URL) after said start time (Wong: col. 5, lines 3-15).

Regarding claim 56, the method, as set forth in claim 55, wherein said resource access request includes a differencing resource method, said differencing resource method including comparing the difference from one of a plurality of file dates, file sizes, and

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number of files counts from said file directory (Wong: col. 4, lines 1-8; file size difference).

Regarding claim 57, the method, as set forth in claim 54, wherein said providing said notification when it is determined that said new file can be found in said file directory includes providing said notification from at least one of a hyperlink access and automatic access (Wong: col. 8, lines 19-26).

Regarding claim 58, the method, as set forth in claim 57, wherein said hyperlink access includes selecting said hyperlink from at least one of a hyperlink determination method, hyperlink retrieval method, and hyperlink generation method (Wong: col. 5, lines 3-15; col. 4, lines 1-9).

Regarding claim 59, the method, as set forth in claim 58, wherein said hyperlink determination method includes selecting said differencing resource method, generating at least one hyperlink corresponding to said file directory from said differencing resource method selection, and providing said notification having said hyperlink (Wong: col. 4, lines 1-9; differencing resource method; col. 3, lines 44-49).

Regarding claim 60, the method, as set forth in claim 59, wherein said providing said notification includes selecting a notification method corresponding to a subscriber (Wong: col. 3, lines 53-60).

Regarding claim 61, the method, as set forth in claim 60, wherein said selecting said notification method includes selecting a notification destination from at least one of a pager, e-mail, web page, television phone, fax instant message, and conferencing (Wong: col. 3, lines 53-60).

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Regarding claim 62, a computer program product comprising computer readable program code stored on a computer readable medium (Wong: col. 7, lines 5-21), the program code adapted to execute a notification method (Wong: col. 3, lines 44-49; col. 7, lines 1-4) including receiving a request to provide notification when a new file is published to a file directory including one or more files having a filename, file date, and file time (Wong: col. 3, lines 40-44; col. 7, lines 1-4), determining at least one of a start time, end time, polling interval, publishing interval, volume number, and issue number from at least one of a filename, file date, and file time of said one or more files in said file directory (Wong: col. 4, lines 1-20), determining when and how often to monitor whether said new file can be found in said file directory from said at least one of a start time, end time, polling interval, publishing interval, volume number, and issue number (Wong: col. 4, lines 1-20), and providing said notification when it is determined that said new file can be found in said file directory (Wong: col. 3, lines 44-49; col. 7, lines 1-4).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R Bruckart whose telephone number is (571) 272-3982. The examiner can normally be reached on 8:00-5:30PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Benjamin R Bruckart
Examiner
Art Unit 2155

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Nov. 22, 2004



HOSAIN ALAM
SUPERVISORY PATENT EXAMINER